

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

SHEILA RENE BOHANNAN
or WHITE (sic),

Petitioner,

Civil No. 10-6256-TC

v.

FINDINGS AND
RECOMMENDATION

STATE OF OREGON

Respondent.

COFFIN, Magistrate Judge.

Petitioner,¹ filed a petition for habeas corpus relief under 28 U.S.C. sec. 2254.challenging her convictions for Burglary and Criminal Mischief. Petitioner alleges that she entered an insanity plea and was sentenced to 45 years imprisonment.

Petitioner alleges that she did not appeal the judgment

¹Petitioner alleges that she is confined in the Cedar Bay Residential Facility (group home) in North Bend, Oregon.

of conviction and that her state post-conviction proceeding was "(d)ismissed because it was too late to file the petition in Oregon." (sic) Petition (#1) p. 2. This alleged procedural history suggests that petitioner did not exhaust state remedies as to any possible claim.

Petitioner's sole ground for relief in this proceeding is: "I think that the sentence imposed on me was too long." Petition (#1) p. 6.

Petitioner's Petition (#1) should be denied without prejudice for failure to state a claim. This proceeding should be dismissed.

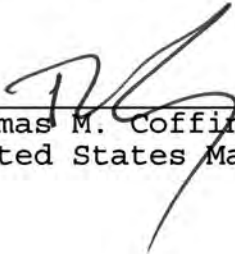
This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. The parties shall have fourteen (14) days from the date of service of a copy of this recommendation within which to file specific written objections with the court. Thereafter, the parties have fourteen (14) days within which to file a response to the objections. Failure to timely file objections to any factual determinations of the Magistrate Judge will be considered a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's

recommendation.

Certificate of Appealability

Should petitioner appeal, a certificate of appealability should be denied as petitioner has not made a substantial showing of the denial of a constitutional right. See, 28 U.S.C. § 2253(c)(2).

DATED this 5 day of October, 2010.



Thomas M. Coffin
United States Magistrate Judge